

A BILL

FOR

AN ACT TO PROVIDE THE LEGAL FRAMEWORK TO ESTABLISH THE
FEDERAL MEDICAL CENTRE BIRNIN-KUDU AND FOR RELATED MATTERS

Sponsored by Hon. Abbas Tajudeen

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows:

1 1.-(1) There is hereby established the Federal Medical Centre
2 Birnin-Kudu (in this Act referred to as "the Federal Medical Centre") and
3 the Medical Centre shall serve as the Medical Centre subject to the provision
4 of this Act.

Establishment
Federal Medical
Centre Birnin-
Kudu

5 (2) The hospital:

6 (a) shall be a body corporate;

7 (b) May sue and be sued in its corporate name;

8 (c) Shall have perpetual succession and a common seal.

9 2. There is hereby established for the management of the Medical
10 Centre a Board of Management (in this Act referred to as "Board") which
11 shall be constituted and have the functions and powers set out in this Act.

Establishment
of the Board of
Management of
the Medical Centre

12 3.-(1) The Board shall consist of:

Membership of
the Board

13 (a) a chairman;

14 (b) the Chief Medical Director of the Medical Centre;

15 (c) the Director of Clinical Services;

16 (d) the Director of Administration;

17 (e) the Director of Finance;

18 (f) the Director of Maintenance;

19 (g) a representative of the president

20 (h) the Federal Ministry of Health;

21 (i) the National Planning Commission;

- 1 (j) the Society of Gynaecology and Obstetrics of Nigeria;
2 (k) the Pharmaceutical Society of Nigeria;
3 (l) the Paediatric Association of Nigeria;
4 (m) the National Association of Nigerian Nurses and Midwives; and
5 (n) one person to represent public interest.

6 (2) The chairman and members of the Board, other than ex-officio
7 members, shall be:

- 8 (a) appointed by the President; and
9 (b) persons of proven integrity and ability.

10 (3) The supplementary provisions set out in the Schedule to this Act
11 shall have effect with respect to the proceedings of the Board and the other
12 matters contained therein.

13 *[Schedule.]*

Tenure of office

14 4. Subject to the provisions of section 5 of this Act, a member of the
15 Board, other than ex-officio members, shall each hold office:

- 16 (a) for a term of three years in the first instance and may be re-
17 appointed for a further term of three years and no more; and
18 (b) on such terms and conditions as may be specified in his letter of
19 appointment.

Cessation of
membership

20 5.-(1) Notwithstanding the provisions of section 4 of this Act a person
21 shall cease to hold office as a member of the Board if:

- 22 (a) he becomes bankrupt, suspends payment principal loan with his
23 creditors;
24 (b) he is convicted of a felony or any offence involving dishonesty or
25 fraud;
26 (c) he becomes of unsound mind or is incapable of carrying out his
27 duties;
28 (d) he is guilty of a serious misconduct in relation to his duties; or
29 (e) in the case of a person possessed of professional qualifications, he
30 is disqualified or suspended, other than at his own request, from practising his

1 profession in any part of the world by an order of a competent authority
2 made in respect of that member; or

3 (f) he resigns his appointment by a letter addressed to the President.

4 (2) If a member of the Board ceases to hold office for any reason
5 whatsoever, before the expiration of the term for which he is appointed,
6 another person representing the same Interest as that member shall be
7 appointed to the Board for the unexpired term.

8 (3) A member of the Board may be removed by the President if he is
9 satisfied that it is not in the interest of the Medical Centre or the interest of
10 the public that the member continues in office.

11 6. There shall be paid to every member of the Board such
12 allowances and expenses as the Revenue Mobilization Allocation and Fiscal
13 Commission may, from time to time, direct.

Allowances of
members

14 PART II - FUNCTIONS AND POWERS OF THE BOARD, ETC.

15 7.-(1) The Board shall:

Functions of the
Board

16 (a) equip, maintain and operate the Medical Centre so as to provide
17 facilities for diagnosis, curative, promotive and rehabilitative services in
18 medical treatment;

19 (b) construct, equip, maintain and operate such training schools
20 and similar institutions as the Board considers necessary for providing the
21 Medical Centre at all times with a proper staff of the Medical Centre
22 technicians and nurses;

23 (c) construct, equip, maintain and operate such clinics, out-patient
24 departments, laboratories, research or experimental stations and other like
25 institutions as the Board considers necessary for the efficient functioning of
26 the Medical Centre.

27 (2) The Board shall ensure that the standards of teaching provided
28 at all establishments under its control and the standards of treatment and care
29 provided for patients at those establishments do not fall below those usually
30 provided by similar establishments of international repute.

1 (3) Subject to this Act, the Board shall perform such other functions
2 which in its opinion are calculated to facilitate the carrying out of its functions
3 under this Act.

Powers of the
Board

4 8. The Board shall have power to:

5 (a) Provide the general policies and guidelines relating to major
6 expansion programmes of the Medical Centre;

7 (b) provide facilities for the training of medical students of associate
8 universities;

9 (c) manage and superintend the affairs of the Medical Centre;

10 (d) subject to the provisions of this Act, make, alter and revoke rules
11 and regulations for carrying on the functions of the Medical Centre;

12 (e) fix terms and conditions of service, including remuneration of the
13 employees of the Medical Centre subject to the approval of National Salaries
14 Incomes and Wages Commission;

15 (f) do such other things which in the opinion of the Board are
16 necessary to ensure the efficient performance of the functions of the Medical
17 Centre.

18 PART III - STAFF OF THE MEDICAL CENTRE

Medical Director
of the Medical
Centre

19 9.-(1) There shall be for the Medical Centre a Chief Medical Director
20 who shall be appointed by the President on the recommendation of the Board
21 and on such terms and conditions as may be specified in his letter of
22 appointment or as may be determined, from time to time, by the National
23 Salaries Income and Wages Commission.

24 (2) The Chief Medical Director shall:

25 (a) be the chief executive and accounting officer of the Medical
26 Centre;

27 (b) be responsible to the Board for the day-to-day administration of
28 the Medical Centre;

29 (c) be appointed for a term of four years in the first instance and may

1 be reappointed for a further term of four years subject to satisfactory
2 performance;

3 (d) be a person who is a medical practitioner and shall have been so
4 qualified for a period of not less than 15 years;

5 (e) have considerable administrative experience in matters of
6 health;

7 (f) hold a post-graduate specialist qualification obtained not less
8 than ten years prior to the appointment as Chief Medical Director.

9 **10.-(1)** The Board shall appoint for the Medical Centre:

10 (a) a Director of Administration, who shall:

11 (i) be responsible to the Chief Medical Director for the effective
12 functioning of all the administrative divisions of the Medical Centre;

13 (ii) conduct the correspondence of the Board and keep the records
14 of the Medical Centre; and

15 (iii) perform such other functions as the Board or the Chief Medical
16 Director, as the case may be, may, from time to time, assign to him;

17 (b) a Director of Clinical Services;

18 (c) a Director of Finance;

19 (d) a Director of Maintenance.

20 (2) The Directors appointed under paragraphs (b), (c) and (d) of
21 subsection (1) of this section shall each be responsible to the Chief Medical
22 Director for the effective running of the clinical services, the finance and
23 accounts and the co-ordination of the maintenance of the Medical Centre, as
24 the case may be.

25 (3) The Board shall appoint for the Medical Centre such number of
26 employees as may in the opinion of the Board be expedient and necessary
27 for the proper and efficient performance of the functions of the Medical
28 Centre.

29 (4) Notwithstanding the provisions of subsections (1) and (2) of
30 this section the Board shall have power to appoint for the Medical Centre

Appointment of
Directors and
other staff of the
Medical Centre

1 either directly or on secondment from any public service in the Federation,
2 such number of employees as may, in the opinion of the Board, be required to
3 assist the Medical Centre in the discharge of any of its functions under this Act.

4 (5) Nothing in subsection (4) of this section shall preclude the Board
5 from appointing persons from outside the public service of the Federation or of
6 the State whenever it deems it necessary so to do.

7 (6) The terms and conditions of service (including remuneration,
8 allowances, benefits and pensions) of the employees of the Medical Centre
9 shall be as determined by the National Salaries Income and Wages
10 Commission.

Service in the
Medical Centre
to be pensionable

11 11.-(1) Service in the Medical Centre shall be approved service for the
12 purposes of the Pensions Reforms Act.

13 (2) The officers and other persons employed in the Medical Centre
14 shall be entitled to pensions, gratuities and other retirement benefits as are
15 enjoyed by persons holding equivalent grades in the civil service of the
16 Federation.

17 (3) Nothing in subsections (1) and (2) of this section shall prevent the
18 appointment of a person to any office on terms which preclude the grant of
19 pension and gratuity in respect of that office.

Establishment
for the Medical
Advisory
Committee, etc.

20 12.-(1) There shall be for the Medical Centre a Medical Advisory
21 Committee which shall:

22 (a) consist of a chairman who shall be the Director, Clinical Services
23 and such number of other members as may be determined from time to time;

24 (b) be responsible to the Chief Medical Director for all the clinical and
25 training activities of the Medical Centre; and

26 (c) be appointed by the Board.

27 (2) Subject to this Act, the Board shall have power to appoint either
28 directly or on secondment and discipline consultants holding or acting in any
29 office in the hospital; and any such appointment shall be made having due
30 regard to the approved personnel establishment of the Medical Centre.

(3) Notwithstanding anything to the contrary, the Board may, from time to time, appoint consultants outside the hospital to perform such medical duties as the Board or the Chief Medical Director may assign to such consultants.

PART IV - FINANCIAL PROVISIONS

13. There shall be established and maintained for the Medical Centre a fund into which shall be paid and credited:

Fund of the
Medical Centre

(a) all subventions and budgetary allocation from the Government of the Federation;

(b) all fees and funds accruing from the sale of drugs and other services;

(c) all sums accruing to the Medical Centre by way of gifts, endowments, bequests, grants or other contributions by persons and organisations;

(d) foreign aid and assistance from bilateral agencies; and

(e) all other sums which may, from time to time, accrue to the Medical Centre.

14. The hospital shall, from time to time, apply the funds at its disposal to:

Expenditure of
the Medical Centre

(a) the cost of administration and maintenance of the Medical Centre;

(b) publicize and promote the activities of the Medical Centre;

(c) pay allowances, expenses and other benefits of members of the Board and committees of the Board;

(d) pay the salaries, allowances and benefits of employees of the Medical Centre;

(e) pay other overhead allowances, benefits and other administrative costs of the Medical Centre; and

(f) undertake such other activities as are connected with all or any of the functions of the Medical Centre under this Act.

Power to accept
gifts

1 **15.-(1)** The Medical Centre may accept gifts of land, money or other
2 property on such terms and conditions, if any, as may be specified by the person
3 or organisation making the gift.

4 (2) The Medical Centre shall not accept any gift if the conditions
5 attached by the person or organisation making the gift are inconsistent with the
6 functions of the Medical Centre under this Act.

Annual estimates
and expenditure

7 **16.-(1)** The Board shall, not later than 30 September in each year,
8 submit to the President through the Secretary to the Government of the
9 Federation an estimate of the expenditure and income of the Medical Centre
10 during the next succeeding year.

11 (2) The Board shall cause to be kept proper accounts of the Medical
12 Centre in respect of each year and proper records in relation thereto and shall
13 cause the accounts to be audited not later than six months after the end of each
14 year by auditors appointed from the list and in accordance with the guidelines
15 supplied by the Auditor-General for the Federation.

Annual report

16 **17.** The Board shall prepare and submit to the President, not later than
17 30 June in each year, a report in such form as the President may direct on the
18 activities of the Medical Centre during the immediately preceding year, and
19 shall include in the report a copy of the audited accounts of the Federal Medical
20 Centre for that year and the auditor's report thereon.

Power to borrow

21 **18.-(1)** The Medical Centre may, from time to time, borrow by
22 overdraft or otherwise such sums as it may require for the performance of its
23 functions' under this Act.

24 (2) The Medical Centre shall not, without the approval of the
25 President, borrow money which exceeds, at any time, the limit set by the
26 President.

27 (3) Notwithstanding subsection (1) of this section, where the sum to be
28 borrowed is in foreign currency, the Medical Centre shall not borrow the sum
29 without the prior approval of the President.

1 19.-(1) The Medical Centre shall not pay income tax on any income
2 derived by the Federal Medical Centre under this Act or accruing to it from
3 any of its investments. Exemption from
tax

4 (2) Accordingly, the provisions of any enactment relating to the
5 taxation of companies or trust funds shall not apply to the Board of the
6 Federal Medical Centre.

7 20. The Medical Centre shall not pay customs duty on or be
8 restricted or prohibited from importing any equipment, material, supply and
9 any other thing required by the Medical Centre for the purposes of this Bill. Exemption from
customs duties, etc

10 PART V - GENERAL

11 21.-(1) Notwithstanding anything to the contrary contained in any
12 other enactment, where it appears to the Board that any student of the
13 Medical Centre has been guilty of misconduct, the Board may, without
14 prejudice to any other disciplinary powers conferred on it by regulations,
15 direct: Discipline of
students

16 (a) that the student shall not, during such period as may be specified
17 in the direction, participate in such activities of the Medical Centre, or make
18 use of such facilities of the Medical Centre as may be so specified;

19 (b) that the activities of the student shall, during such period as may
20 be specified in the direction, be restricted in such manner as may be so
21 specified;

22 (c) that the student be rusticated for such period as may be specified
23 in the direction; or

24 (d) that the student be expelled from the Medical Centre.

25 (2) The fact that an appeal from a direction is brought in pursuance
26 of subsection (1) of this section shall not affect the operation of the direction
27 while the appeal is pending.

28 (3) The Board may delegate its powers under this section to a
29 disciplinary committee consisting of such members of the Medical Centre
30 as the Board may nominate.

1 (4) Nothing in this section shall be construed as preventing the
2 restriction or termination of student's activities at the Medical Centre otherwise
3 than on the ground of misconduct.

4 (5) A direction issued under subsection (1) (a) of this section may be
5 combined with a direction issued under subsection (1) (b) of this section.

6 (6) Nothing in this Act shall affect the provisions of any enactment
7 relating to the discipline of medical practitioners, pharmacists, midwives,
8 nurses or members of any other profession or calling.

Removal and
discipline of
clinical,
administrative
and technical
staff

9 22.-(1) If it appears to the Board that there are reasons for believing
10 that any person employed as a member of the clinical, administrative or
11 technical staff of the Medical Centre, other than the Chief Medical Director,
12 should be removed from his office or employment, the Board shall require the
13 Director of Administration to:

14 (a) give notice of those reasons to the person in question;

15 (b) afford him an opportunity of making representations in person on
16 the matter to the Board; and

17 (c) if the person in question so requests within a period of 1 month
18 beginning with the date of the notice, make arrangements for:

19 (i) a committee to investigate the matter and report on it to the Board;

20 and

21 (ii) the person in question to be afforded an opportunity of appearing
22 before and being heard by an investigating committee set up with respect to the
23 matter, and if the Board, after considering the report of the investigating
24 committee, is satisfied that the person in question should be removed as
25 aforesaid, the Board may so remove him by a letter signed on the direction of
26 the Board.

27 (2) The Chief Medical Director may, in a case of misconduct by a
28 member of the staff which in the opinion of the Chief Medical Director is
29 prejudicial to the interest of the Medical Centre, suspend any such member and
30 any such suspension shall forthwith be reported to the Board.

1 (3) For good cause, any member of staff may be suspended from
2 his duties or his appointment may be terminated or he may be dismissed by
3 the Board and for the purposes of this section, "good cause" means:

4 (a) a conviction for any offence which the Board considers to be
5 such as to render the person concerned unfit for the discharge of the
6 functions of his office;

7 (b) any physical or mental incapacity which the Board, after
8 obtaining medical advice, considers to be such as to render the person
9 concerned unfit to continue to hold his office;

10 (c) conduct of a scandalous or other disgraceful nature which the
11 Board considers to be such as to render the person concerned unfit to
12 continue to hold his office; or

13 (d) conduct which the Board considers to be such as to constitute a
14 failure or inability of the person concerned to discharge the functions of his
15 office or to comply with the terms and conditions of his service.

16 (4) Any person suspended shall, subject to subsections (2) and (3)
17 of this section be on half pay and the Board shall before the expiration of a
18 period of three months after the date of such suspension consider the case
19 against that person and come to a decision as to:

20 (a) whether to continue the person's suspension and if so, on what
21 terms (including the proportion of his emoluments to be paid to him);

22 (b) whether to reinstate the person, in which case the Board shall
23 restore his full emoluments to him with effect from the date of suspension;

24 (c) whether to terminate the appointment of the person concerned,
25 in which case he shall not be entitled to the proportion of his emoluments
26 withheld during the period of suspension; or

27 (d) whether to take such lesser disciplinary action against the
28 person (including the restoration of his emoluments that might have been
29 withheld), as the Board may determine, and in any case where the Board,
30 pursuant to this section, decides to continue a person's suspension or decides

1 to take further disciplinary action against a person, the Board shall before the
2 expiration of a period of three months from such decision come to a final
3 determination in respect of the case concerning any such person.

4 (5) It shall be the duty of the person by whom a letter of removal is
5 signed in pursuance of subsection (1) of this section to use his best endeavors to
6 cause a copy of the letter to be served as soon as reasonably practicable on the
7 person to whom it relates.

8 (6) Nothing in the foregoing provisions of this section shall preclude
9 the Board from making such regulations not inconsistent with the provisions of
10 this Act for the discipline of students and all other categories of employees of
11 the hospital as the Board may prescribe.

12 (7) Regulations made under subsection (6) of this section need not be
13 published in the Gazette but the Board shall cause them to be brought to the
14 notice of all affected persons in such manner as it may, from time to time,
15 determine.

Discipline of
junior staff

16 23.-(1) If any junior staff is accused of misconduct or inefficiency, the
17 Chief Medical Director may suspend him for not more than a period of 3
18 months and shall direct a committee to:

19 (a) consider the case; and

20 (b) make recommendations as to the appropriate action to be taken by
21 the Chief Medical Director.

22 (2) In all cases under this section of this Act, the officer shall be
23 informed of the charge against him and given a reasonable opportunity to
24 defend himself.

25 (3) The Chief Medical Director may, after considering the
26 recommendation made pursuant to subsection (1) (b) of this section, dismiss,
27 or take such other disciplinary action against the officer concerned.

28 (4) Any person aggrieved by a decision of the Chief Medical Director
29 made under subsection (3) of this section may, within a period of 21 days from
30 the date of the letter communicating the decision to him, address a petition to

the Board to reconsider his case.

PART VI - MISCELLANEOUS

24.-(1) The Board may, with the approval of the President, make Regulations
regulations

(a) as to the access of members of the public either generally or of a particular class, to premises under the control of the Board and as to the orderly conduct of members of the public on those premises; and

(b) for safeguarding any property belonging to or controlled by the Board from damage by members of the public.

(2) Bye-laws under this section shall not come into force until they are confirmed (with or without modification) by the National Assembly and published in such manner as he may direct.

25. The President may give to the Board directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Board of its functions under this Act, and it shall be the duty of the Board to comply with the directions; but no direction shall be given which is inconsistent with the duties of the Board under this Act. Power to give directives

26.-(1) On the commencement of this Act, any person employed by or serving in, the Medical Centre shall be deemed to have been employed or serving in the Medical Centre established under this Act. Transition and savings provision

(2) All Assets or liabilities belonging to the Medical Centre shall be deemed to belong to the Medical Centre established under this Act.

27. In this Act, unless the context otherwise requires: Interpretation

"associate universities" means the universities whose medical students receive aspects of their training from the Medical Centre;

"Board" means the Board of Management of the Medical Centre;

"chairman" means the chairman of the Board;

"functions" include powers and duties;

"Federal Medical Centre" means the Medical Centre Birnin-Kudu;

1 "junior staff" means staff of such grade as may be determined, from time to
2 time, by the Board;

3 "medical student" means a student whose course of instruction is:

4 (a) designed (either alone or in conjunction with other courses) to
5 enable him to qualify as a medical practitioner; or

6 (b) designed for the further training of medical practitioners;

7 "Minister" means the Minister charged with responsibility for matters relating
8 to health and "Ministry" shall be construed accordingly;

9 "student" means a person enrolled at an institution controlled by the Board for
10 the purpose of pursuing a course of instruction at the institution.

Short title

11 28. This Bill may be cited as the Federal Medical Centre Birnin-Kudu
12 (Establishment) Bill, 2018.

13 SCHEDULE

14 [Section 3 (3).]

15 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

16 *Proceedings of the Board*

17 1.-(1) Subject to this Act and section 27 of the Interpretation Act, the
18 Board may make standing orders regulating its proceedings or those of any of
19 its committees.

20 (2) The quorum of the Board shall be the chairman or the person
21 presiding at the meeting and 5 other members of the Board, 2 of whom shall be
22 ex-officio members, and the quorum of any Committee of the Board shall be as
23 determined by the Board.

24 2.-(1) The Board shall meet whenever it is summoned by the
25 chairman and if the chairman is required to do so by notice given to him by not
26 less than 8 other members, he shall summon a meeting of the Board to be held
27 within 14 days from the date on which the notice is given.

28 (2) At any meeting of the Board, the chairman shall preside but if he is
29 absent, the members present at the meeting shall appoint one of their number to
30 preside at the meeting.

(3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it deems fit, but a person who is in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

Committees

3.-(1) The Board may appoint one or more committees to carry out, on behalf of the Board, such functions as the Board may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

4.-(1) The fixing of the seal of the Medical Centre shall be authenticated by the signatures of the Chairman, the Chief Medical Director or any person generally or specifically authorized by the Board to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Medical Centre by the Chief Medical Director or any person generally or specifically authorized by the Board to act for that purpose.

(3) A document purporting to be a document duly executed under the seal of the Medical Centre shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

5. The validity of any proceedings of the Board or of a committee shall not be adversely affected by:

(a) a vacancy in the membership of the Board or committee;

- 1 (b) a defect in the appointment of a member of the Board or
2 committee; or
3 (c) reason that a person not entitled to do so took part in the
4 proceedings of the Board or committee.

EXPLANATORY NOTE

This Bill seeks to Provide for the Legal Framework to Establish the Federal Medical Centre Birnin-Kudu.